

LOS ANGELES COUNTY ENFORCEMENT WORK PLAN

Agricultural Pesticide Division

July 2006 through June 2008

RESOURCES: AGRICULTURAL PESTICIDE USE ENFORCEMENT

***PERSONNEL**

I. Inspection Staff

- 4 Full-time senior inspectors @ 100%
- 2 Full-time junior inspectors @ 100%
- 1 Deputy commissioner @ 90%

II. Clerical Staff

- 1 Full-time staff @ 80%
- 3 Full-time staff @ 30%
- 1 Full-time staff @ 10%

***PERSONNEL HOURS ALLOCATED TO THE PESTICIDE ENFORCEMENT PROGRAM**

- Approximately 17,957 hours are available for each fiscal year.
- This includes supervision and clerical hours. This equates to 6 licensed inspector years, .9 deputy year and 1.8 clerical years.

***ASSETS AGRICULTURAL PESTICIDE ENFORCEMENT**

- Each senior inspector has a vehicle for his/her exclusive use.
- Both junior inspectors have access to vehicles or use their personal vehicles when working in the field.
- All junior inspectors and clerical staff have dedicated workstations with terminal access including one senior inspector who works out of the Arcadia Headquarters.
- The remaining 3 senior inspectors work out of field offices located in Lomita, Lancaster, and Sylmar. Two inspectors have dedicated terminals, one shares.
- New inspectors rotated into the division receive initial training from the inspector they are replacing and the pesticide deputy. Junior inspectors also receive training on how to conduct inspections and investigations from the senior inspectors and the pesticide deputy.

AGRICULTURAL PESTICIDE WORK ASSIGNMENTS

- Each of the four senior inspectors are assigned to a specific district within the county. One covers the Antelope Valley, the remaining three cover the greater Los Angeles basin area and adjacent Santa Clarita Valley. The senior inspectors conduct annual headquarters record inspections, issue restricted material permits, issue operator ID's, monitor pesticide applications, investigate complaints and pesticide related episodes/illnesses, conduct pre-application site evaluations and

field worker safety inspections. They collect statistical data for crop and non-crop growers within their districts which is used for production of the Department's Annual Crop Report.

- The two junior inspectors work primarily in the Headquarters office. They are responsible for: processing monthly pesticide reports, review out of county restricted material permit applications and issue permits, conduct Private Applicator exams and issue certificates, review NOI's (entering into the database and forwarding to senior inspectors), file and distribute DPR communications (ENF's, SLN's, Section 18's and various bulletins), write and process NOPA's, warning letters and decision letters, prepare and process hearing documents, respond to calls from the public or industry and provide requested information or service (e.g., answer questions, receive episodes, send forms, etc.), assist with the compilation of data and preparation of the Crop Report, and assist senior inspectors with various inspections, issuance of permits and operator ID's including covering their respective districts during scheduled vacations.

***EXPECTED WORKLOAD-PERMITS AND OPERATOR ID ISSUANCE**

(Anticipate equivalence to 2006)

- Total Restricted Material permits issued in the calendar year 2006 497
 - A. Production Ag/Crop 88
 - B. Production Ag/Ornamental Nursery Stock 23
 - C. Non-Production Ag(Golf Courses, Parks, Govt. Agencies, etc.) 212
 - D. PCO's 174 (Includes 78 Non-Ag. Permits)
 - Of the total permits issued, 9 were for methyl bromide commodity fumigation and 5 were for strawberry field fumigation.
- Total Operator ID's issued in 2006 296
 - A. Production Ag/Crop 108
 - B. Production Ag/Ornamental Nursery 109
 - C. All Others 79
- Notices of Intent 10,658
- Total private applicator certificates issued (3-yr period) 103

***EXPECTED WORKLOAD-COUNTY REGISTRATION**

- PCA's registered 143
- PCO's registered 283
- MG's registered 86

DESCRIPTION OF CORE ACTIVITIES-RESTRICTED MATERIALS PROGRAM

***SITE MONITORING/HAZARD EVALUATION**

- The senior inspectors are responsible for site evaluations and issuance of permits in their districts. Aerial views are available of sites throughout the county via the Internet. All inspectors have Internet access.
- Operator ID and permit holders are annually inspected by their respective district inspectors. Junior inspectors can also issue these documents. They receive training prior to issuing permits or ID's and the senior inspector review their paperwork. Subsequently all permits are evaluated by the Deputy.
- Targeted pre-site and application monitoring inspections include all methyl bromide soil fumigations and all aerial applied pesticides within the greater Los Angeles basin. (Aerial applications in Los Angeles County of ANY non-restricted or restricted pesticide requires a 24-hr NOI.)
- There are 4 sites where methyl bromide is still used to fumigate soil prior to strawberry planting. These sites and existing conditions have been static. Adequate buffer zones are established. Each year, prior to issuance of a methyl bromide permit, the sites are re-evaluated along with the grower's work site plan by the district inspector to verify no new conditions exist and the established buffer zones meet requirements. One grower has switched from methyl bromide to Inline (1,3 Dichloropropene). This site is also re-evaluated annually along with the growers work site plan to verify no new conditions exist and the established buffer zones meet requirements.
- Methyl bromide commodity fumigation permits are re-issued on an annual basis. District inspectors review work site plans and conduct site evaluations prior to issuance of a permit. Fumigation monitoring is conducted on a random non-scheduled basis. An average of 20 or more inspections are conducted on an annual basis.
- Metam sodium applications adjacent to sensitive sites are also targeted. Extensive supplemental permit conditions have been developed for all metam sodium field fumigation applications. A copy of these conditions is included with this work plan.

DESCRIPTION OF CORE ACTIVITIES-COMPLIANCE MONITORING

***PRIORITY INVESTIGATIONS**

- In the past 5 years, the Agricultural Pesticide Regulation Division has had 4 priority investigations. Three were suicide attempts, and one involved a helicopter crash and pilot fatality.

***ROUTINE INVESTIGATION/COMPLAINTS**

- The number of episodes investigated has averaged 15 for each of the last 3 years.
- Over the last 5 years our investigations have resulted in three compliance actions (3 warning letters) and six enforcement actions with civil penalties. Three of these involved PCO's, the other three were against employers due to their employees not utilizing PPE and suffering injury. One of our actions resulted in a

hearing. The hearing officer upheld the proposed action, but reduced the fine amount.

- During the last 5 years we completed a total of 91 episode investigations. Three of these exceeded the 120 day period: One of these was due to a lab result delay. (160 days to complete); The other two were due to slow response from the person involved (138 days and 134 days to complete).
- We have been able to reduce the number of complaints going to the district inspectors for investigation through training of office staff in conducting a more thorough screening while interviewing the complainant. The reduction of episodes has been of the type involving neighbor vs neighbor. The majority of our episode investigations now are generated from illness reports, documented incidents, and legitimate complaints.

*INSPECTIONS

- Ornamental nursery stock production continues to be L.A.'s leading crop. Almost 65% of our total annual crop production value is generated by this industry. Monitoring of pesticide applications by nurseries is a major focus. Pesticide handler issues are one concern. The majority of non-compliance observed involve PPE.
- The number of field worker safety inspections performed has averaged 40 for each of the last 5 years. Inspections are conducted at agricultural and ornamental sites. The greater percentage of inspections conducted were at wholesale nurseries. Very few violations were observed during these inspections. The Department will continue to monitor field worker safety compliance.
- The proximity of most of the nurseries to residential areas and other sensitive sites is another reason for concern and reason to monitor pesticide activity.
- In 2002, the Ag Pesticide Division developed and published a "Grower's Guide" to provide general information on what is required of a grower who uses pesticides or has pesticides applied by a pest control company for the production of agricultural or ornamental commodities. The guides covered the basic requirements including record keeping, labels, training, field posting, PPE, medical care information, decontamination facilities, equipment and storage. Three hundred copies were published and distributed. In 2006, the Department re-ordered an additional 400 copies of this guide for future distribution. The guide is also available online at <http://acwm.co.la.ca.us>. The Ag Pesticide Division plans to produce a guide similar to the "Grower's Guide". This informational booklet will be provided to all non-production property operators throughout the County, (Golf Courses, Cemeteries, Parks, Public Agencies, etc.), as part of an additional outreach to pesticide users.
- The monitoring of landscape pesticide applications to residential, industrial and institutional sites by PCO's and Landscapers are areas where we intend to continue our increased attention. The majority of violations written continues to come from this part of the industry. Lack of PPE use, training, and possession of a valid state business license are the most common violations. To improve overall compliance, the Department initiated an outreach program targeting Landscape

Contractors conducting business within Los Angeles County. An informational letter regarding state pest control business license and county registration requirements was developed. A total of 4,025 Landscape Contractors, located in Los Angeles, Ventura, Orange, San Bernardino and Riverside Counties were mailed a copy of the letter in August, 2006. The Department will continue to monitor applications conducted by landscape companies to assure compliance.

- Due to the proximity of strawberry acreage to sensitive sites (ALL are located within the greater basin area of the county), every methyl bromide application is monitored. The Department budgets overtime to assure coverage of applications on weekends, if necessary. Applications of methyl bromide to strawberry acreage traditionally occur between July and September.
- The Department will also budget overtime to cover other high profile applications such as the three aerial applications which occurred over the last two years in the greater basin area of the county.
- During the fiscal years 2002/2003 and 2003/2004, we conducted a focused activity on chemigation applications. We also provided outreach and training for our growers. The activity documented a total of 24 applications of restricted and non-restricted pesticides. The number of non-compliances decreased the second year from the first year. We believe that, overall, the program was successful.
- Chemigation is widely used by growers in the Antelope Valley area of the county. This pesticide application method is primarily used in carrot and onion production. Metam sodium and other non-restricted pesticides have been traditionally used about equally. We plan to continue our monitoring of both restricted and non-restricted pesticide chemigation application.
- The most common problem associated with chemigation is the type of equipment used to operate the pesticide injection pumps at remote sites. The gas powered low horsepower motors are often unreliable and the interlock shut off control fails to function properly. In an effort to solve the chemigation equipment problem, improve efficiency, and reduce operational costs, a major grower has switched to a more dependable positive displacement pump. The other common non-compliance is lack of use of PPE by the applicator.
- Inspectors will continue to randomly monitor chemigation applications to assure compliance.
- The Department will work with the Farm Bureau to provide outreach and training to growers regarding chemigation issues.
- Pest control record inspections are another major component of the Department's pesticide regulation program. Inspectors traditionally inspect over 70 pest control businesses, 160 production agriculture businesses and 200 other types of businesses or agencies which apply pesticides to their properties.
- Applications by CDFA to eradicate fruit fly infestations are also monitored each time a new area is treated. Public concern regarding general pesticide use necessitates this action. CDFA began treatments in April 2006 in Long Beach to eradicate Diaprepes root weevil and the program is scheduled to last several years. All applications will be monitored to assure public and environmental safety.

*REVIEW PROCESS

- All inspections, investigations, and applications for permits and operator ID numbers are reviewed by Pesticide Deputy for completeness and accuracy.
- Senior DPR Liaison Bhupinder Dhillon schedules visits to audit the division's records and work in the field with inspectors. Oversight inspections conducted to ensure consistency with state guidelines may uncover discrepancies. If a discrepancy occurs, the Pesticide Deputy will review the inspection procedure with the inspector to ensure that correct procedures are understood and the error is not repeated.

*ENFORCEMENT PROGRAM

- When a non-compliance is observed by an inspector during an inspection, the inspector will assign a violation number to the inspection form and provide a copy of the form to the person inspected.
- The inspection form is forwarded to the Pesticide Deputy for review and further action. A copy of the inspection form is stamped with bold and large red lettering "VIOLATION NOTICE." This copy serves as the violation notice and is mailed to the business owner or property operator which had been inspected. The inspector keeps a copy of the inspection so that they can follow up on any violations that were not corrected at the time of inspection.
- If a violation is uncovered during an episode investigation, the non-compliance is documented on a Notice of Violation form. The notice is forwarded to the Pesticide Deputy for review and action. A copy is mailed to the person/firm in violation.
- The inspection data, notices of violation and the enforcement or compliance actions are entered into the pesticide data base. Additionally, a hard copy violation file is established and kept with the program record files. This is done to establish a compliance history of the person/firm inspected.
- Follow-up inspections are difficult to obtain on landscape companies. The problem can be from a low frequency of applications, the fact that they may be headquartered outside of the county, or low probability of contact with the same firm due to the large urban area which comprises Los Angeles County. Low frequency of applications can also impact follow up inspections involving growers.
- The Pesticide Deputy makes the decision on which action to take regarding violations. The process includes a review of the regulated entity's compliance history. Subsequent violations in a two-year period will result in a higher fine or a raise in fine category.
- In general, all violations are considered for civil penalty action on the first occurrence. If a business license is not possessed, but required by the firm inspected, a stop work order is also issued. Compliance actions in the past have been taken in the form of a violation notice or both violation notice and warning letter for minor oversight violations.

- The Pesticide Deputy's recommendation for an enforcement action or compliance action is forwarded to the Bureau Deputy for review and approval.
- Once a NOPA has been written for a civil penalty action, the NOPA is forwarded to the Commissioner for review and signature.
- If a hearing is requested by a respondent, the Pesticide Deputy serves as the Department's advocate. During the past 5 years, a total of 11 hearings were held. The civil penalty actions, with the exception of one, were upheld. In that case, the PCO stipulated to two code sections and requested a hearing on the third section alleged to be in non-compliance. The Hearing Officer ruled in favor of the PCO.

LOS ANGELES COUNTY ENFORCEMENT WORK PLAN
Structural Pesticide Division
July 2006 through June 2008

RESOURCES: STRUCTURAL PESTICIDE USE ENFORCEMENT

***PERSONNEL**

- Branch I - 4 full time inspectors - 100%
- Branch II/III - 3 full time inspectors - 100%
- 2 full time licensed office inspectors, working for all three branches - 100%
- 1 Deputy Agricultural Commissioner/Sealer to oversee program - 100%
- 1 full time clerical staff
- 2 part time clerical staff that assist in data entry and answering phones

***PERSONNEL HOURS ALLOCATED TO THE STRUCTURAL PESTICIDE ENFORCEMENT PROGRAM**

1. Approximately 20,887 Licensed hours each fiscal year:
 - 8,448 hours are available for Branch I inspections
 - 6,336 hours are available for Branch II/III inspections
 - 1,879 hours - Deputy
 - 4,224 hours available for office inspectors
2. 3,549.6 hours available for unlicensed staff of the Structural Pesticide program

***ASSETS**

- Each of the 7 field inspectors has a vehicle for his/her exclusive use (Area offices include: Arcadia - main office, South Gate, Lomita, Sylmar, Lancaster, and Los Angeles)
- A work station and computer are available for each inspector (Field and Office)
- Continuing the program that started in July of 2005, each field inspector will have a field tablet to data enter all inspections

EXPECTED WORKLOADS

1. Branch I
 - 1,200 structural home inspections - including applications, aerations, and certifications.
 - 1,000 partial inspections, part of Los Angeles County's 5 dollars per fumigation fee inspection program.
 - 36 undercover aeration inspections
 - 40 office records inspections
 - 15 to 20 pesticide related episode investigations

2. Branch II/III

- 100 Branch II use inspections
- 50 Branch III use inspections
- 120 office records inspections
- 120 pesticide related episode investigations

OVERVIEW OF CURRENT STRUCTURAL PESTICIDE PROGRAM

- To assure the commercial application of pesticides (insecticides, herbicides, rodenticides, antimicrobial disinfectants, Etc.) that are applied in and around structures are safe for applicators, occupants, public, environment and other non-target organisms.
- We would accomplish this through inspections, education, and enforcement actions. Applicators found in noncompliance would face enforcement action under the laws and regulations of California, set forth in the Food and Agricultural Code, California Code of Regulations and the Business and Professions Code.

CORE ACTIVITIES OF STRUCTURAL PESTICIDE PROGRAM

There are four areas that this program oversees:

1. Branch I fumigations - this involves the inspections of structures that have been contracted to be fumigated. The inspections cover the application phase, aeration phase, and the certification of each structure that has been fumigated. Also unique to both Los Angeles and Orange counties is the five dollars per fumigation partial inspection program (AB1053). Notices of Intent received per year - 56,767 average over the last 3 years.
2. Branch II - this involves inspection of companies that perform pesticide control for hire in and around structures, to control household pests (including commercial buildings).
3. Branch III - involves inspections of companies that perform non-fumigation treatment of structures with pesticides to eliminate termites that have invaded the structure.
4. Episodes - The County has the responsibility and the authority to investigate episodes that may involve potential or actual human illness or injury, property damage, loss or contamination, and fish or wildlife kills alleged to be the result of the use or presence of a pesticide (with the assistance of DPR). We will provide to DPR, from our investigations, sound and factual information that would provide an accurate depiction of what occurred in the episode. These reports will assist the Worker Health and Safety unit evaluate the pesticides involved.

Priority Investigations - In the past four years, Los Angeles County Structural program has had 23 priority investigations which range from two house explosions to

multiple people getting sick from entering a fumigated home while the house was under fumigation.

Routine Investigations/Complaints - Los Angeles County has, over the past 3 years, performed on average 142 investigations per year . For the last 3 years 94 % of the investigations were completed in the allotted time frame of 120 days. Divisional goal is to reach and maintain the 100 % completion rate by the end of this work plan.

REVIEW PROCESS

- All inspections are reviewed by the licensed pesticide enforcement staff and/or the Deputy for completeness.
- New inspectors are trained by our senior licensed pesticide enforcement staff and Deputy of the program.
- Department of Pesticide Regulation (DPR) Senior Bhupinder Dhillon schedules his visits to include going out with each of the district inspectors of all 3 branches of structural pesticides over the year.

ENFORCEMENT PROGRAM

- A Notice of Violation is generated by the inspector, and reviewed by the Deputy when a violation is noted on an inspection . A copy is then sent to the person inspected as the official violation notice.
- The violation is further reviewed by the Deputy to determine if the violation requires additional action.
- The reviewer considers the past compliance history of the person/company in violation. Once this has been determined, a fine level (Civil Penalty Action) will be set and a Notice of Proposed Action is written and sent to the person/company in violation.

GOALS FOR THE STRUCTURAL PESTICIDE PROGRAM

- With the success of our undercover Branch I program, we will try to expand this program to cover other areas of the Branch I fumigations (certification and applications).
- We will examine development of an undercover program to address problems in Branch II & III operations. We will evaluate the other two Branches to determine if a possible undercover operation would be as effective as with our Branch I program. The study revealed many applicators were not following the Laws and Regulations related to pesticide applications.
- Continue the program as designed in past years, but retain ability to redirect resources to new areas when needed.
- Episode investigations - increase level of accuracy and completeness of all reports (goal to reach 100 % by end of this work plan period).